Representations.

No. 68.—Qualification for enrolment as pleaders.
Mr. B. K. Ramakrishnaiya, Mysore University.

MR. C. SUBBA RAO represented that the time limit mentioned in the Chief Court Notification No. R. Dis. 20-1926-27, dated 13th March 1927, be extended by at least two years. He added that in consequence of the introduction of the Intermediate Course in the Mysore University only last year, the time limit fixed was not sufficient for the students.

The representation was noted.

No. 69.—Rate of interest in Civil Suits.
Mr. D. Banumiah, Merchants' Association, Mysore.

MR. BANUMIAH represented that in Civil suits, the Judges calculated interest from the date of the institution of a suit to the date of its decree and after the date of decree at the rate of 6 per cent per annum irrespective of the rate mentioned in the bond. As the lender who would have borrowed his capital at the rate of 10 to 12 per cent (the Mysore Bank rate being 10 per cent) would be put to heavy loss on this account, the rate of interest might be ordered to be raised to 12 per cent.

MR. MAHOMED ABBAS KHAN observed that if the rate of interest was raised to 12 per cent as suggested, the creditors would not at all be anxious to get back their principal as they would be getting handsome interest.

MR. B. LINGE GOWDA said that at a time when there was a cry for the grant of relief to the agriculturists, it was out of place to think of enhancing the rate of interest as proposed.

MR. C. SUBBA RAO pointed out that up to the date of instituting the suit, the creditor had the right to claim interest at the rate mentioned in the bond under the existing law. He was therefore not in favour of enhancing the rate of interest.

THE DEWAN replied that the existing rules required no change.

No. 70.—Disposal of Civil Suits.
Mr. D. Banumaiah, Merchants' Assosiation, Mysore.

MR. BANUMIAH represented that as there was great delay in the disposal of Civil suits it might kindly be ordered that the ordinary and small cause suits be disposed of within a year and three months respectively from the date of their institution.

THE DEWAN observed that it was with a view to obviate such difficulties that additional courts had been opened and that it would not be possible to fix a definite time limit for the disposal of suits.

MR. S. N. M. RAZVI thought that more than the courts, the Lawyers were responsible for the delay in the disposal of cases.

MR. MAHOMED SAIT observed that the Chief Court should issue instructions to the other subordinate courts to dispose of cases quickly.

MR. VEMA REDDY was of opinion that it would be impossible to fix a time limit for the disposal of cases. In spite of earnest efforts on the part of the courts concerned the disposal of certain cases would be delayed. In his opinion it was sufficient if the courts tried to dispose of cases as quickly as possible.

MR. GOPALACHAR of Thirthahalli suggested that instead of posting a large number of cases for hearing on one day, if the presiding officers posted only a few and disposed of all the cases that very day, a lot of inconvenience to the litigant public who might have to come from long distances, could be avoided.

MR. RANGASWAMY IYENGAR represented that in cases in which a large number of witnesses had to be examined, the presiding officers should be directed to examine as many witnesses as were present on the appointed date instead of adjourning the case on account of other cases posted for hearing.

THE CHIEF JUDGE observed that under the existing rules, the presiding officers could do so. He also added that in case all the witnesses in a case could not be examined on the same day, they would be examined the next day. But if on that day also there were many witnesses for being examined, instead of adjourning that day's work, the case on hand would be adjourned to some future date. As far as possible all facilities were being given to the clients.

No. 71.—Attachment of immovable properties.

Messrs. M. Subbaiya, Seringapatam Municipality and Sivananje Gowda, Seringapatam Taluk.

MR. SUBBAIYA represented that whenever immovable properties were attached through Civil Courts, a copy of the attachment order be ordered to be sent to the concerned Sub-Registry Office for being noted in the Index Register, orders of raising the attachment being also intimated when such properties were redeemed.

MR. S. C. MALLIAH was of opinion that it was very necessary that a copy of the attachment order should be sent to the concerned Sub-Registry Office. In many cases, properties under attachment would be mortgaged without the knowledge of the mortgagees. If the suggestion put forward was adopted, such difficulties could be overcome.

THE CHIEF JUDGE observed that there were many inconveniences in giving effect to the proposal. There might be cases in which properties would be attached before judgment. In some cases, there would be claim petitions. Some of the claim petitions took unduly long time for disposal. As the claims of the parties over the properties would not be affected by the attachment and as information could be obtained from the Civil Courts, there was no need to adopt the procedure suggested.

He thought that the word "redeemed" in the representation was used in the sense "released" as it could not refer to attachment.

MR. C. SUBBA RAO said that the acceptance of the representation would help the prospective mortgagee of the same property.

THE CHIEF JUDGE observed that as every attachment was preceded by a proclamation in the concerned locality, the intending creditor would be in a better position to know the actual state of things than the Sub-Registrar.

THE DEWAN said that Government could not give effect to the suggestion contained in the representation.

No. 72.—Notice to parties of transfer of cases in Munsiffs' Courts. Mr. M. C. Linge Gowda, Mandya Taluk

MR. LINGE GOWDA requested that Civil Courts might be ordered to intimate to the parties concerned by a notice of the transfer of suits from their courts to the other courts.

THE CHIEF JUDGE observed that there were two kinds of transfers, *viz.*, transfers effected at the request of the parties concerned and the other, transfers by the District Judges. When the Additional Court was located at Mysore, cases were being transferred to that court to give enough work to it. In such cases, notices were being given. In the case of transfers effected at the request of the parties, no notice was necessary. Any omission on the part of officers to give notice in the first case will be set right on receipt of information.

MR. KRISHNAPPA represented that the transfer of

Chikkaya Chatra Hobli from the jurisdiction of the Nanjangud Munsiff's Court to some other jurisdiction did not help the Munsiff's Court and as there were not many contested cases on the file of the court, the hobli might be retained in the jurisdiction of the Nanjangud Munsiff's Court itself.

THE CHIEF JUDGE observed that the transfer was effected with the hope that the people of the hobli would be benefited to some extent. If in practice it was found inconvenient to them the matter would be reconsidered.

THE DEWAN informed the member that he might explain the facts of the case to the Chief Judge who would take necessary action in the matter.

No. 73 —Village Munsiff's Court.
Mr. Sanganabasappa, Chamarajnagar Municipality.

Not discussed as the mover was absent.

No. 74.—Trial at Koppa or Sringeri of cases to be tried by First and Second Class Magistrates, relating to Sringeri Jahgir.
Mr. Rameswara Sastry, Sringeri.

MR. RAMESWARA SASTRY represented that as the existing First and Second Class Magistrates' Courts were far away for the people of Sringeri and as they were put to much expense and trouble in consequence thereof, the cases relating to the area might be ordered to be tried either at Sringeri or Koppa.

THE CHIEF JUDGE observed that there were no first class cases from Sringeri last year. Cases from Sringeri were being tried at Tarikere and in future, the Munsiff at Narasimharajpura would dispose of such cases.

No 75.—Extension of time for enrolment as pleaders.
Messrs. T. S. Mangesha Rao, Sagar Taluk and C. Subba Rao, Special Interests, Shimoga.

(*Vide* discussions on No. 68.)

No. 76.—Entertaining certain kinds of petitions without court fee stamps being affixed to them.
Messrs. M. Chennabasappa, Molakalmuru Municipality, and Patti Basappa, Molakalmuru Taluk.

Not discussed as the members were absent.

No. 77.—Court Fees not to be enhanced further but to be reduced to their previous level.
Messrs. Veerasanjive Gowda, Closepet Sub-Taluk and K. T. Bhashyam Iyengar, Legal Interests, Bangalore.

MR. VEERASANJIVE GOWDA represented that in view of the fact that a large surplus was realised from Courts of

Law, court fee might be reduced from 10 per cent to 7½ per cent *ad valorem* as formerly.

THE DEWAN replied that it was not possible to reduce the fees as prayed for.

MR. E. KRISHNAPPA of Nanjangud said that the Judicial Department realised a profit of nearly Rs. 38,000 in 1925-26 from Process Fees and that there was no justification to do so.

THE CHIEF JUDGE observed that it was from that amount that the additional cost involved in the re-organisation of the Process Department was proposed to be met.

MR. KRISHNAPPA said that it was not justifiable on the part of the Government to enhance the Process Fees when they were making large profits year after year from that source. He added that there was no necessity for such a course as new courts had since been established. Besides, the Assembly was also not consulted in the matter.

THE DEWAN observed that the matter was fully discussed on the last occasion and that nothing could be done at present.

MR. KRISHNAPPA said that on the last occasion, every member protested against the enhancement of the Process Fees and yet Government enhanced the fees without giving any opportunity to the Assembly to discuss the matter. As the new order would come into force from the 14th of October 1927, he requested that the Assembly might be permitted to discuss matter.

MR. NADIG BHASKAR RAO observed that as the burden of the enhanced fee would fall on the poor raiyats, it should be reduced.

MR. VENKATESIAH expressed the opinion that it would be better to fund the profits from the Process Fees for improving the Process Establishment instead of mixing it up with the general revenues.

THE DEWAN observed that it was a new principle which Government would bear in mind.

MR. K. T. BHASHYAM pointed out that the subject matter of the representation related to Court Fees and that the discussion was proceeding on the enhancement of Process Fees. He said that Government were making a profit of nearly 3 to 4 lakhs of rupees from Court Fees. In the first place, it was not right on the part of Government to make any profits from the administration of justice. In the second place, even if the Court Fees were reduced to 7½ per cent, Government would not lose anything. For these two

reasons, he said that the Government should reduce the Court Fees to the previous level and help the poor people.

MR. BELUR SRINIVASA IYENGAR said that he had been harping on this subject for years past. In the year 1925-26, he said that the Government made a profit of nearly Rs. 4,68,000 and that they were not justified in increasing their profits by enhancing the Court Fees. He added that there was some justification for levying such high rate of fees during war time and when the finances of the State were in an unsatisfactory condition. Now that Government were having balanced budgets, they should not burden the people with heavy Court Fees. As they were losing nothing by reducing the Court Fees to 7½ per cent, Government should not hesitate to do so.

THE DEWAN said that the matter would be noted for consideration.

No. 78.—Payment of money deposited in Civil Courts in satisfaction of decrees to the parties direct.

Messrs. G. Anjaneya Setty, and P. Nagarajiah, Pavagada Taluk; and Nanjiah Setty, Maddagiri Taluk.

MR. ANJANEYA SETTY represented that money deposited in Civil Courts in satisfaction of decrees might be made payable to the parties direct instead of the same being paid through the lawyers concerned.

THE CHIEF JUDGE observed that if no authorisation was given to the lawyers, the latter could not draw the amount.

MR. B. NARASINGA RAO said that the printed form used at present contained the authorisation also. He was of opinion that if a separate *vakalat* was insisted on for the purpose, it would be all right.

THE CHIEF JUDGE observed that this would mean an additional expenditure of eight annas to the parties concerned, and that if they agreed there was no objection.

No. 79.—Empowering Amildars to try cases under the Breach of Contract Act

Messrs. Anjaneya Setty and P. Nagarajiah, Pavagada Taluk.

MR. ANJANEYA SETTY requested that powers to try cases under the Breach of Contract Act might be given to Amildars alone, as it would be advantageous to the people.

THE DEWAN observed that in some cases the Amildars had been empowered to try such cases.

MR. NAGAPPA SETTY was of opinion that all the Amildars should have such a power.

The suggestion was noted.

No. 80.—Printing Charges in Second Appeals.
Mr. A. Narayana Iyengar, Hassan Taluk.

MR. NARAYANA IYENGAR represented that inasmuch as the printing charges levied by the Chief Court in second appeals were very high and the poor people found it very difficult to pay the same in petty cases, it might be ordered that such printing charges be levied only in cases of the value of more than Rs. 1,000.

THE CHIEF JUDGE observed that under the existing rules, only records of more than 30 pages were being printed and the others were being typed.

MR. NARAYANA IYENGAR said that even if the value of the suit was only 2 rupees, the printing charges amounted to Rs. 50 to Rs. 60 and on account of the inability of the parties concerned to meet such heavy charges many cases were given up. He added that translating and printing the records were necessary when there were European Judges and that as there were now Judges who could read Kannada well, there was no longer any necessity to print the records at heavy expenses to the parties.

MR. C. NARASIMHAIYA said that originally exhibits were being translated and printed. He was of opinion that as all the Judges knew how to read and write Kannada, these exhibits need not be printed. That would save some expenditure to the parties.

THE CHIEF JUDGE observed that in many cases, where the records were very voluminous, the court itself exempts the records from being printed. In several cases, he said, he had ordered that with the exception of the judgments of the lower courts, nothing else need be printed. In his opinion, the printing of the judgment of the lower courts was very necessary as it would not only facilitate reference, but would enable half a dozen people to handle the papers at the same time.

MR. ABBAS KHAN was of opinion that printing the records was very necessary. As the cost was very heavy, he suggested that the cost of printing the pleadings, etc., might be borne by the parties concerned and the rest by Government.

MR. SURAPPA observed that if a typist was attached to each court, much of the difficulty experienced could be overcome.

THE CHIEF JUDGE said that formerly printing was necessary in regular appeals. As these appeals now went to the District Court, and only second appeals were filed in the

Chief Court, there would not be much hardship to the litigant public, as the documents to be typed would be few.

MR. BELUR SRINIVASA IYENGAR urged the necessity of attaching a Press to the Chief Court. He thought that any additional expenditure on this account might be met from the large savings of the Judicial Department. By entrusting the printing work of the Chief Court to other private presses there was room for interested parties to get information from them. Besides, the cost of printing would be much cheaper if a Press was attached to the Chief Court. This would save the Chief Court from sending out original records for being printed.

THE CHIEF JUDGE observed that even in second appeals only copies were sent for printing.

THE DEWAN enquired whether the cost of printing would be cheaper if the work was done under Government management ?

MESSRS. MAHOMED ABBAS KHAN, MALLAPPA and others were of opinion that getting the work done in a private press would be much cheaper.

MR. B. NARASINGA RAO said that the Laws' Delays Committee had recommended that a Press should be attached to the Chief Court as there were many advantages in doing so. Besides printing the records, all the Chief Court work could be got done in that Press.

THE DEWAN then enquired whether it would not be sufficient to have a separate section in the Government Press itself for the work instead of attaching a Press to the Chief Court.

Many members had no objection to it provided the section was under the control of the Chief Court and that the Superintendent, Government Press, exercised only technical supervision.

MR. K. T. BHASHYAM said that a branch of the Press might be attached to the Chief Court or tenders might be called for from the private presses for opening a section there. He was of opinion that it was very necessary to print the records in important criminal cases.

THE CHIEF JUDGE remarked that in criminal cases involving sentence of death, the records were being printed at the cost of Government, but in other cases, such as transportation for life, etc., it was optional to the parties to submit printed records.

THE DEWAN said that the matter would be considered.

No. 81.—Writing copies on both sides of the copying sheets.

Messrs. A. Narayana Iyengar, Hassan Taluk ; and A. V. Subrahmanya Setty ; and M. N. Naganna, Arakalgud.

MR. NARAYANA IYENGAR requested that as copying charges were very high, it might be ordered that both sides of the copying sheets should be used for copying.

THE CHIEF JUDGE observed that nowhere was copying allowed on both sides of the paper.

THE DEWAN said that it could not be done.

No. 82.—Rates of Court Fee may be reduced.

Messrs. A. V. Suryanarayana Setty and M. N. Naganna, Arakalgud

Vide discussions on No. 77.

No. 83.—Reduction of fee payable on gun license applications.

Messrs. Yusuff Khan, Sira Municipality ; Surappa and Murulappa, Sira Taluk; S. Lingappa and Kanchappa, Chiknaikanhalli Taluk. and Pattabhirama Setty, Chiknaikanhalli Municipality.

MR. YUSUFF KHAN represented that the revised fees payable on gun license applications being heavy they might be reduced to the former rate and arrangements made for delivery of the licenses through village Patels.

MR. M. S. LINGE GOWDA and others brought to the notice of the Dewan that there was a lot of delay in issuing licenses. He also said that in British India licenses were granted on the 1st of January every year while there was considerable delay in Mysore.

MR. BAGAMANE DYAVE GOWDA said that many representations were made to the Dewan in his malnad tour for reducing the license fees, that the Dewan promised to take needful steps in the matter, but that nothing yet had been done.

MESSRS. MALLIAH and MAHOMED SAIT complained about the delay in the grant of exemptions even to R. A. members.

THE INSPECTOR-GENERAL OF POLICE agreed that there were some delays in the grant of licenses, etc., as there was not one uniform procedure adopted in the matter throughout the State. The matter would be gone into in detail and necessary orders issued in the matter for the guidance of the officers concerned.

THE DEWAN admitted that the present arrangements were very unsatisfactory and said that strict orders would be issued to the authorities concerned in the matter.

At this stage the Assembly rose for the day to meet again the next day at 12 noon.